



**Assistive  
Technology  
For  
Kansans**

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July 23, 2015

Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

RE: NDBEDP Comments, CG Docket No. 10-210

The University of Kansas Life Span Institute is the lead agency for the Assistive Technology Act (Assistive Technology for Kansans) and was selected as the certifying entity for Kansas during the implementation of the National Deaf-Blind Equipment Distribution Program (NDBEDP) pilot program in 2012. Our program prioritizes helping people with disabilities acquire the technology they need to be active members of their communities and in society overall. This belief supports the value of access to advanced telecommunications equipment to individuals who are deaf-blind. We submit these comments in response to the Notice of Proposed Rulemaking (NPRM) adopted on May 21, 2015, based on three years of experience in developing and operating the program serving Kansans who are deaf-blind. Comments are indexed to the section numbers in the NPRM released May 27, 2015.

### III. Program Structure

#### A. Certified Programs

7. We agree with the FCC's proposal to retain the current structure of the NDBEDP, consisting of one certifying entity within each state to be responsible for the administration of the program, distribution of equipment, and provision of all services associated with the program. This approach has enabled each state to meet the unique needs of deaf-blind residents in their states, and utilizes available local and state resources.

10, 11. We agree with the proposal that certified programs seeking to relinquish certification provide written notice to the Commission at least 90 days in advance. However, we do see an issue dealing with the timing of the FCC announcements to invite applications from new entities seeking certification. In some of these cases, the period in which to apply for certification was very short, giving little time for organizations to gather necessary documentation and letters of support to apply. This seems to give an advantage to outside entities that have knowledge of the needs of the population but lack the ties to consumer groups and relevant networks in the state. Instate entities are likely to have ties to instate networks, have the ability to form new relationships and are onsite to be more readily available to meet consumers' needs as they arise.

## B. Certification Criteria

16. We agree that certified programs have a responsibility to ensure that the providers and collaborators working with the program have expertise in working with people who are deaf-blind, encompassing all types of communication skills and needs. States are already required to demonstrate capacity and expertise in their original applications for certification. However, our experience has shown that having communication expertise does not necessarily translate into having the necessary expertise to recommend equipment for people eligible for the NDBEDP. People completing communication assessments should be focused on recommending what equipment the individual needs for advanced telecommunications access, not wants.

## C. Duration of Certification

20. We agree that the certification duration should be no shorter than five years. Shorter timeframes would result in additional administrative burden on certifying entities and could cause unnecessary disruption of services to individuals who qualify for the NDBEDP.

## D. Certification Renewals

23. The FCC is proposing that each certified entity under the pilot be required to re-apply for certification under the permanent program. Given the amount of data and other information that the FCC has received during the pilot from certified programs, we feel that the existing certifying entities are already providing more than enough information for the Commission to make a determination as to whether an entity is demonstrating its ability to meet all of the FCC's selection criteria. If a state entity is currently meeting the criteria, the FCC should require only that the entity describe how it will meet any new criteria and rule modifications established by the Commission, and that the entity state its intention to continue its participation.

## F. NDBEDP Centralized Database for Reporting and Reimbursement

30. 31. 32. The FCC is proposing that a centralized national database be created to "assist state programs" in the generation of reports to the Commission, to enable the submission of those reports electronically to the NDBEDP Administrator, and to allow for the aggregation and analysis of nationwide data on the NDBEDP. The FCC comments that difficulties occurred because some of the data submitted by states not using the Perkins database was not uniform. Although all state programs were given a standard Excel spreadsheet report form to use with instructions not to change any formatting, no state's data was included in the national reporting if they did not participate in the Perkins database. This was a loss of information that was important to analysis of the beginnings of the program and it seems unlikely that none of the states successfully followed the instructions.

The Commission proposes that a centralized database would assist state programs in generating their reimbursement claims and would likely lead to faster reimbursement. As a state that uses the centralized database, it should be noted that the process continues to be labor intensive. The current process involves not only submitting a reimbursement form, but also providing the TRS Fund Administrator with copies of invoices and other backup documentation, each coded to

correspond with the form. Streamlining the reimbursement process should be addressed in addition to addressing concerns about the ability of the centralized database to facilitate payment of claims.

A centralized database should only be required and implemented if it streamlines the reporting and reimbursement process. It should have the capability to allow states to input data and information that can, for the most part, be entered once for both reporting and reimbursement functions. The current database has been modified but it continues to be cumbersome, unintuitive, and difficult to use. It appears to track equipment more effectively than services.

We suggest that the Commission issue a public notice for entities to submit applications for the development and maintenance of a centralized database, one that would allow multiple user input, different levels of administrative access, ease of querying and report generation.

33. Security issues are a key consideration for a national database. Currently the FCC requires detailed data for consumers (names, addresses, phone numbers, type of disability, equipment serial numbers, etc.) beyond the expectations of other federal programs. The University has the expectation that all databases meet HIPAA standards of consumer protection and the current database has not documented its level of security. Consideration should be given to allowing state programs to maintain records of names and addresses of equipment recipients, along with other data regarding the identity of the people who attest that those recipients are deaf-blind, rather than put this information into a centralized location. Aggregate data would still be available documenting the NDBEDP's performance and each state's.

34. If a central database is used, there should be different levels of access. The NDBEDP Administrator and other appropriate FCC staff should have the highest level of access to the database, and certifying entities should only have access and control over their own state's information. We do not recommend giving database access to any trainers, assessors or other subcontractors without tight controls.

36. If a national database is developed, we agree that certifying entities should not be charged for use of the database, and that funding to develop and maintain the database comes from a separate federal fund rather than from the state's administrative allowance.

#### IV. Consumer Eligibility

##### C. Income eligibility

49. The Commission's use of household income in lieu of personal income to determine income eligibility for the NDBEDP can result in disqualification of adult applicants who live in multi-person households and other adult applicants who are not dependent financially. In our opinion, NDBEDP should look at an individual's income when s/he is living in a household and the individual is not a dependent.



## V. Equipment and Related Services

### A. 1. National Outreach

61. Propose to allocate the amount of money spent on national outreach to \$250,000 per year. It is our opinion that national outreach is duplicative of outreach already being done by certifying entities. Money allocated should be enough to maintain a national website, 800 number and call center, and provide marketing materials in electronic format that can be customized and readily printed. These materials should be made available at no charge to the certifying entities. Populations of large, rural states appeared to be untouched by the past outreach efforts. Giving additional funds to the states would increase the likelihood that outreach to specific populations could be targeted in a more effective manner.

### B. Assessments

70., 72. It is our opinion that in some cases it could be more cost-effective to allow for reasonable travel costs of individuals (along with one support service provider, if needed) to obtain an assessment. This would include in-state travel, as well as travel to an adjoining state, since the NDBEDP allows certifying entities to use the services of providers in neighboring states. We would suggest that such travel expenses be pre-approved by the state certifying entity and should adhere to federal per diem rates and mileage for privately owned vehicles.

83. It is our opinion that in some cases it could be more cost-effective to allow for reasonable travel costs of individuals (along with one support service provider, if needed) to receive training. This would include in-state travel, as well as travel to an adjoining state, since the NDBEDP allows certifying entities to use the services of providers in neighboring states. We agree that such travel expenses be pre-approved by the state certifying entity and suggest that expenses should adhere to federal per diem rates and mileage for privately owned vehicles.

### E. Training Trainers

91. State Allocations for Train-the-Trainer Programs. Rather than spend federal funds on a national train-the-trainer program, we believe that it would be appropriate to provide funding for capacity building within states. Also, since providing training for trainers ultimately benefits state residents who are deaf-blind, a train-the-trainer program should not be treated as an administrative cost, but rather a direct-service cost.

## VI. Funding

### C. Reimbursement Mechanism

104. We believe that each certifying entity is able to determine the frequency with which it needs to be reimbursed. In our case, because we need to work within the policies and procedures of The University of Kansas Life Span Institute, the best frequency of reimbursement for our program is semi-annually.

#### D. Administrative Costs

106. Agree with the Commission's proposal to reimburse administrative costs as they are incurred and claimed, based on the annual allocation rather than the amount of reimbursable costs, which would eliminate the need for the TRS Fund Administrator to bank administrative costs.

#### VII. Oversight and Reporting

##### A. Reporting

109. We support retaining the six-month reporting requirement. However, we have concerns about the amount and types of data collected, as stated in our comments to paragraphs 30, 31 and 32 above.

##### B. Audits

114. Propose that programs should continue to be required to perform annual audits and that each program be required to submit the audit to the TRS Fund Administrator and the NDBEDP administrator. However, an argument could be made that the amount of information currently required to be submitted with each reimbursement request could be considered the equivalent of an audit, where each invoice and line item cost is examined.

Respectfully submitted,



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